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8 IN THE UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 FERNANDO CASTRO BAZAN,
15 Defendant.

CASE NO. 2:21-CR-00196-TLN
STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER
DATE: August 18, 2022
TIME: 9:00 a.m.
COURT: Hon. Troy L. Nunley

16
17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

- 20 1. By previous order, this matter was set for status on August 18, 2022.
- 21 2. On April 28, 2022, a federal grand jury in the Southern District of California returned an
22 indictment against Mr. Bazan and two other defendants. *United States of America v. Castro Bazan et al*,
23 3:22-CR-971-JO. The defendant was arrested for this offense on June 30, 2022 and remains in pretrial
24 custody for this separate federal case. Order of detention, 3:22-CR-971-JO, ECF No. 52.
- 25 3. By this stipulation, defendant now moves to continue the status conference until
26 November 17, 2022, at 9:30 a.m., and to exclude time between August 18, 2022, and November 17,
27 2022, under Local Codes T4 and M.
- 28 4. The parties agree and stipulate, and request that the Court find the following:

1 a) The government has represented that the discovery associated with this case
2 includes investigative reports, undercover surveillance footage, recorded calls in English and
3 Spanish, phone records and other evidence. The government has represented that it will soon
4 provide additional discovery to the defendant.

5 b) Counsel for defendant desires additional time to consult with her client, review
6 the current charge, to conduct investigation and research related to the charge, to review and
7 copy discovery, to discuss potential resolutions with her client, and to otherwise prepare for trial.

8 c) Counsel for defendant believes that failure to grant the above-requested
9 continuance would deny her the reasonable time necessary for effective preparation, taking into
10 account the exercise of due diligence.

11 d) The government does not object to the continuance.

12 e) Based on the above-stated findings, the ends of justice served by continuing the
13 case as requested outweigh the interest of the public and the defendant in a trial within the
14 original date prescribed by the Speedy Trial Act.

15 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which trial must commence, the time period of August 18, 2022 to November 17,
17 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
18 T4] because it results from a continuance granted by the Court at defendant's request on the basis
19 of the Court's finding that the ends of justice served by taking such action outweigh the best
20 interest of the public and the defendant in a speedy trial.

21 g) Given the defendant's current unavailability as a result of his pretrial custody in
22 another district, this exclusion of time is also appropriate under 18 U.S.C. § 3161(h)(3)(A) [Local
23 Code M].

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5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: August 11, 2022

PHILLIP A. TALBERT
United States Attorney

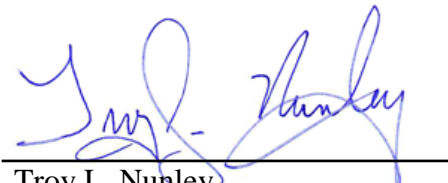
/s/ ADRIAN T. KINSELLA
ADRIAN T. KINSELLA
Assistant United States Attorney

Dated: August 11, 2022

/s/ NOA OREN
NOA OREN
Counsel for Defendant
FERNANDO CASTRO BAZAN

ORDER

IT IS SO FOUND AND ORDERED this 11th day of August, 2022.



Troy L. Nunley
United States District Judge